IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 1642 OF 2005

Jagdamba V.K.S. Society Ltd., ..Petitioner.

Versus

Shri Ram V.K.S.Society Ltd., & Ors. ..Respondents.

Mr. H.S.Venegaonkar for the Petitioner.

Mr. A.B.Borkar for the Respondent No.1.

CORAM : S. A. BOBDE, J.

DATED : 16TH SEPTEMBER, 2005.

P.C.:

1. Rule returnable forthwith.

2. Mr. Borkar, Advocate, waives service of rule on behalf of the Respondent No.1.

3. Heard by consent.

4. The report from the District Deputy Registrar, Co-operative Societies, Kolhapur, as ordered by this court, is received. The said report is perused. It

appears that there are indeed some doubtful documents referred by the D.D.R..

5. Having regard to the circumstances of the case, I consider it appropriate to dispose of the petition by directing that the impugned order dated 3rd March, 2005 by which the matter is remanded for fresh hearing to the Registrar Co-operative Societies, should be made time bound.

6. In the circumstances, the petition is disposed off with a direction to the Assistant Registrar, Co-operative Societies to decide the question of registration of the respondent No.1, Society after giving an opportunity of hearing to all the parties in accordance with law. The Assistant Registrar shall decide the matter independently within eight weeks and without being influenced by any observations made earlier. It must be made clear that the respondent No.1 has not had an opportunity to object to the findings in the report and shall be entitled to contest those aspects which are adverse to it. Till then, having regard to the report received by this court, the Respondent No.1 Society shall not make any further disbursement of loan.

DT.16.09.05 (S.A.BOBDE,J)

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